

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 99, A bill to be entitled "An Act relating to courses of instruction in Constitution of United States in Schools, Colleges, Universities, and other Educational Institutions of the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 44, A bill to be entitled "An Act to amend subdivision 32 of Article 199 of Title 8 of the Revised Statutes of the State of Texas, 1925, to change and prescribe the terms and time for holding district courts of the Thirty-second Judicial District of the State, composed of Nolan, Scurry, Mitchell, Howard and Borden Counties, giving additional time to Howard County, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PATTON, Chairman.

FIFTEENTH DAY.

Senate Chamber,

Austin, Texas,

Monday, January 28, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Love:

S. B. No. 324, A bill to be entitled "An Act fixing the terms of the principal trial courts of the State, regulating the time for holding sessions to transact the business thereof and repealing all conflicting laws."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 325, A bill to be entitled "An Act to amend Section 20 of Chapter 16 of an Act passed by the Thirty-ninth Legislature of the State of Texas at the First Called Session thereof, approved October 18, 1926, and providing that any road district or any political subdivision of any county, or defined road district now or hereafter to be defined, accepting the provisions of said Chapter 16 or which shall hereafter accept the provisions of said Chapter, shall be and is hereby made and created a body corporate and may sue and be sued in like manner as counties, and if cast in such suits, shall have power to pay such judgments by the levy and collection of taxes, and provid-

ing that it shall be its duty so to do and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 326, A bill to be entitled "An Act prescribing what shall constitute the transcript in cases appealed to the courts of Civil Appeals and repealing Articles 2278 to 2281, inclusive, of the Revised Civil Statutes of 1925, and all other conflicting laws."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 327, A bill to be entitled "An Act providing for the more efficient collection of delinquent taxes by preventing a multiplicity of suits by different corporations to collect taxes against the same property, and to prevent the filing of suits to collect subsequent taxes during the redemption period allowed by law, by amending Chapter 10 of Title 122 of Vernon's Revised Statutes of 1925, by adding thereto Article 7328-A and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 328, A bill to be entitled "An Act relating to Citations in civil cases and repealing Articles 1926, 2021, 2022, 2024, 2026, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2048 and Paragraphs 1 to 8, inclusive, and 12 of Article 2092, of the Revised Civil Statutes of Texas."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 329, A bill to be entitled "An Act providing regulations designed to prevent adulteration of certain agricultural seeds and to prevent traffic in impure and defective seeds, and to prevent deception in connection with such seeds; regulating traffic in same; requiring such seeds to be properly labelled and tagged when offered or exposed for sale within this State for seeding purposes in this State; etc., and declaring an emergency."

Read first time and referred to Committee on Agriculture.

By Senators Beck, Patton, Cousins, and Pollard.

S. B. No. 330, A bill to be entitled

"An Act establishing a State Sanitary Code which provides for the prevention and control of disease; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules and regulations for the protection of the public health; repealing the old State Sanitary Code known as Chapter IV, Article 4477 of the Revised Civil Statutes of Texas, of 1925, and repealing all laws, articles, sections and subdivisions in conflict or inconsistent with this Act; prescribing a penalty; and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Beck:

S. B. No. 331, A bill to be entitled "An Act to amend Article 904 of the Penal Code of the State of Texas, relating to fees of non-residents for hunting in Texas by providing that non-residents of adjoining states who reside in counties bordering upon the State of Texas may hunt in Texas upon the same terms and upon the payment of the same license fees as residents of the State of Texas, in counties other than their own, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 332, A bill to be entitled "An Act to make better provisions for free textbooks to be used in the public schools of this State, by enacting provisions so as to better prescribe conditions precedent to the sale and distribution of free textbooks, regulating activities of publishers thereof, requiring bond to be furnished by publishers and providing for its terms, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Pollard and Cousins:

S. B. No. 333, A bill to be entitled "An Act creating a State Employment Commission, providing for its appointment, qualifications, compensations, powers and duties providing for and defining unclassified service and classified service in State employment; prescribing rules for examinations and tests of efficiency of employees in the classified service, and unclassified service, etc., and declaring an emergency."

Read first time and referred to Committee on Labor.

By Senator Thomason:

S. B. No. 334, A bill to be entitled "An Act to amend Chapter 38, Special and Local Laws enacted by the Thirty-seventh Legislature at its First Called Session, in 1921, same being a special road law for Tyler County, Texas, by adding thereto a new section 5-A, authorizing the commissioners' court of Tyler County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Cousins:

S. B. No. 335, A bill to be entitled "An Act to permit voting in any election by heads of state departments, United States Senators and Congressmen from Texas, and persons in the diplomatic and consular service of the United States temporarily absent; fixing the place of their residences, and providing for the procuring by such persons of poll tax or exemption receipts in person or through representatives by authority in writing containing certain information and stating that the person owing such poll tax or claiming exemption is unable, on account of absence in official duties, to apply for the same in person, and for the deposit of such authority with the tax collector to be filed and preserved by him; providing for absentee voting by such persons under Article 2956, Title 5; and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Hardin:

S. B. No. 336, A bill to be entitled "An Act creating a more efficient road system for Bell County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the

commissioners' court; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Hardin:

S. B. No. 337, A bill to be entitled "An Act to amend Article 6228, Title 109 of the Revised Civil Statutes of Texas A. D. 1925, which relates to payment of a monthly allowance to indigent widowed mothers, prescribes the manner of procuring such allowance and authorizing the county court to appoint a number of women who are willing to render gratuitous service in assisting said widows, and prescribing the method of revoking such allowance; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Stevenson:

S. B. No. 338, A bill to be entitled "An Act to amend Subdivision 24, of Article 199, Title 8, of the Revised Statutes of Texas, 1925, as same appears on page 88 of Volume 1 of said Revised Statutes, so as to change the time and terms of holding the terms of the district court in Refugio and Calhoun Counties in the Twenty-fourth Judicial District of Texas; validating and continuing all writs and process issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the terms of court in the County of Calhoun, in said district, as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available in Calhoun County under this Act; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator McFarlane:

S. B. No. 339, A bill to be entitled "An Act to abolish the Industrial Accident Board; consolidating the duties of the Industrial Accident Board with the duties of the Board of Insurance Commissioners; providing that the Board of Insurance Commissioners shall possess all the duties, powers, and prerogatives now exercised by the Industrial Accident Board; etc."

Read first time and referred to Committee on Insurance.

By Senator Hornsby:

S. B. No. 340, A bill to be entitled "An Act amending Section 8 of Chapter 117 of the General Laws of the Regular Session of the Thirty-ninth Legislature as amended by Chapter 34, of the General and Special Laws of the First Called Session of the Fortieth Legislature, relating to killing, taking or possession for barter or sale within a certain period and within a certain territory of any wild beaver, wild otter, or wild fox, or the pelts thereof, so as to make the prohibitory provisions of the Act of which said Section 8 is a part applicable to Travis County, relating to wild beaver, wild otter and wild fox or the pelts thereof; it being the purpose of this Act to prevent the killing, taking or possessing for barter or sale such animals and pelts thereof, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 341, A bill to be entitled "An Act to authorize H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain and operate a bridge across Lake Sabine at or near Port Arthur, Texas."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Holbrook:

S. B. No. 342, A bill to be entitled "An Act relating to the State Penitentiary and the State Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the re-organization of the prison system; making provision for the sale of the prison farms and the centralization of the Texas Prison System; providing for a Board for the valuation and sale of the present prison properties; and for a board for the selection of the location for the centralization of the system; providing for power in the State Board of Control to buy supplies, produce and manufactured articles from the State Prison System for use by the State; and providing for the establishment of a Prison Reformatory within the Texas Prison System for young

short-term prisoners; making an appropriation to be used in carrying out this Act; and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Patton:

S. B. No. 343, A bill to be entitled "An Act to give and grant to J. W. Howard and his wife, Maude Howard leave and permission to prosecute in the proper courts of Houston County, Texas, suit against the State of Texas, and R. S. Sterling, Cone Johnson and W. R. Ely, as Highway Commissioners of the State of Texas, in their official capacity only, for personal injuries to the wife, Maude Howard and damage to their automobile; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 344, A bill to be entitled "An Act relating to the sale of and defining agricultural seeds and mixed seeds; requiring the filing of representative samples and statements of quality of seed by seed dealers; prohibiting mixtures of seeds unless so labeled; etc."

Read first time and referred to Committee on Agriculture.

By Senator Neal:

S. B. No. 345, A bill to be entitled "An Act to safeguard the public in the purchase of pure bred agricultural seed, true to name; providing that the State Board of Plant Breeder Examiners shall be hereafter known as the State Seed and Plant Board; further defining their duties; etc., and declaring an emergency."

Read first time and referred to Committee on Agriculture.

By Senator Woodward:

S. B. No. 346, A bill to be entitled "An Act pertaining to making rules of civil practice procedure and pleading by the Supreme Court."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Stevenson:

S. B. No. 347, A bill to be entitled "An Act amending H. B. No. 299, Chapter 37, Acts of the Regular Session of the Thirty-fifth Legislature 1917, amending Section 5 of said

Act; providing for the creation and appointment of the Board of Equalization for the Sinton Independent School District; established in San Patricio County, Texas by said Act of the Thirty-fifth Legislature; describing the qualification for the members of said Board of Equalization; fixing its powers and duties; and providing for compensation for the members of said Board; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Witt:

S. B. No. 348, A bill to be entitled "An Act amending Article 978e of the State of Texas making it unlawful to buy, sell, possess or transport for the purpose of sale, barter or exchange, any fresh water crappie or bass within the State of Texas, prescribing penalties, but exempting from the provisions hereof fresh water crappie or bass propagated and raised in private ponds or lakes having no outlet or inlet into any of the public streams or waters of this state and not subject to overflow from rivers or other streams within the borders of this State."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 349, A bill to be entitled "An Act relating to financial management and control of any incorporated city or town that has, or may hereafter, default in payment of bonds or other obligations lawfully issued thereby; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 350, A bill to be entitled "An Act defining building and loan associations, providing for their incorporation and prescribing the terms and conditions and regulations upon which such companies may carry on their business in Texas, prescribing the terms and conditions upon which foreign building and loan associations may make loans in Texas, prohibiting the sale or offer for sale by foreign building and loan associations of their contracts, bonds and shares except such shares as may be sold in connection with a loan, pre-

scribing penalties for violation of the provisions of the Act, repealing acts and parts of acts in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Berkeley:

S. B. No. 351, A bill to be entitled "An Act appropriating the sum of Twenty-five thousand (\$25,000) Dollars, or so much thereof as may be necessary for the compensation and expenses of the Commissioner appointed by the Supreme Court of the United States under the decree of that court based upon its opinions of December 5, 1927, and April 9, 1928 in Cause No. 2 Original in Equity, October Term, 1927, styled State of New Mexico, Complainant vs. State of Texas to locate and mark upon the ground and boundary line between the State of Texas and the State of New Mexico under the judgment of said court, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Woodul:

S. B. No. 352, A bill to be entitled "An Act to create the office of State Electrical Inspector to be attached to the Fire Insurance Department Board of Insurance Commissioners Office of the State of Texas; providing for his appointment; prescribing his qualifications and duties; fixing his salary; making appropriation for such, together with traveling and incidental expenses, for the fiscal year ending August 31, 1929; providing for assistance; prohibiting the charging of fees; providing for official entry into records of electrical inspectors of incorporated cities, towns and villages; providing all matters and things incidental to the main purpose of this Act; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Moore, by request.

S. B. No. 353, A bill to be entitled "An Act to provide for the organization, incorporation or admission and regulation and taxation of Mutual Insurance Companies; repealing Chapters 5, 6, 9, 12, 14, and 15 of Title 78, of the Revised Civil Statutes of 1925, and all other laws or parts of laws in conflict herewith;

providing a penalty for the violation of the provisions thereof; and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Moore, by request.

S. B. No. 354, A bill to be entitled "An Act to regulate the business in insurance on what is known as the Lloyd's Plan, amending all of Chapter 19, Title 78, Revised Statutes of Texas; and declaring an emergency."

Read first time and referred to Committee on Insurance.

Senators Excused.

On motion of Senator Holbrook, Senator Wirtz was excused for the day on account of important business.

On motion of Senator Love, Senator Westbrook was excused for the day on account of important business.

On motion of Senator Hornsby, Senator Parr was excused for the day on account of important business.

On motion of Senator Martin, Senator DeBerry was excused for the day on account of important business.

Senator Cousins Introduced.

The Chair appointed Senators Thomason, Beck, and Holbrook to conduct Senator Cousins to the bar of the Senate where he was introduced and briefly addressed the Senate.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Jan. 28, 1929,
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the following members are appointed on the part of the House to serve on the investigation committee as provided by Senate Concurrent Resolution No. 4: Minor, Stevenson, Bond.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Jan. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 6, requesting the Judiciary of Texas to reset or continue all cases in which any member of the Legislature is counsel, etc.

H. C. R. No. 8, granting permission to the Honorable Joseph Jones, Judge of the Sixty-third Judicial District of Texas, to be absent from the State of Texas, etc.

S. C. R. No. 11, favoring a fair and adequate tariff rate on all products of both the farm and ranch.

S. C. R. No. 12, requesting the United States Congress to return to the respective states war records, muster rolls, etc. of the Civil War.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Jan. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on Senate Bill No. 60 by 106 yeas and no nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 23. S. C. R. No. 12.
S. C. R. No. 11 S. B. No. 60.

H. C. R. No. 6.

The Chair laid before the Senate, H. C. R. No. 6, relating to resetting certain cases so that lawyer members of the Forty-first Legislature might remain in constant attendance upon the session.

The resolution was read and adopted.

H. C. R. No. 8.

The Chair laid before the Senate, H. C. R. No. 8, granting to Hon.

Joseph Jones, Judge of the Sixty-third Judicial District of Texas, leave of absence.

The resolution was read and adopted.

Simple Resolution No. 46.

Senator Pollard sent up the following resolution:

Whereas, The Fortieth Legislature of Texas, by resolution, duly authorized a committee to have a contest for the adoption of the State song, which said resolution was carried out and performed by the committee appointed by the Lieutenant Governor, and the expenses of same have been borne by the Chairman, Senator Margie E. Neal.

Now, Therefore, Be It Resolved by the Senate of Texas that the expenses of same be paid out of the contingent expense fund of the Senate.

POLLARD,
HARDIN,
BECK.

The resolution was read and referred to Committee on Finance.

H. C. R. No. 2 Re-Referred.

On motion of Senator Pollard, H. C. R. No. 2 was withdrawn from the Committee on Finance and re-referred to the Committee on Federal Relations.

Senate Bill No. 71.

The Chair laid before the Senate as special order the following bill:

S. B. No. 71, A bill to be entitled "An Act to amend Article 2883, and Article 2889-A. R. S., 1925, relating to certificates of teachers in the public free schools, and salaries of teachers holding such certificates; repealing all laws in conflict therewith, and declaring an emergency."

The committee report carrying an amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 71 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck. Cousins.
Berkeley. Cunningham.

Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Holbrook.	Small.
Hardin.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 119.

Senator Woodward received unanimous consent to take up out of its regular order the following bill:

S. B. No. 119, A bill to be entitled "An Act amending Article 4143, Chapter 4, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision whereby the county judge may authorize the payment of bond premiums out of the estate of the ward, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 119 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

S. J. R. No. 7.

The Chair laid before the Senate on its second reading the following resolution:

S. J. R. No. 7, a resolution "Proposing an amendment to the State Constitution providing that the Permanent University Fund shall be invested in bonds of the United States, the State of Texas or counties of said State, or in school bonds of municipalities or in bonds of any city of this State having a population of 10,000 or more according to the latest United States census, or in bonds issued under and by virtue of the Federal Farm Loan Act approved by the President of the United States, July 17, 1926, and amendments thereto."

The resolution was read second time.

On motion of Senator Holbrook, the resolution was laid on the table subject to call.

S. J. R. No. 12.

The Chair laid before the Senate on its second reading the following resolution:

S. J. R. No. 12, a resolution "Proposing an amendment to the State Constitution providing that the term of office of all State, district and county officers, whose term under the present Constitution and laws is less than four years, shall be four years, and that every such officer shall hold his or her office for the remainder of the present term for which he or she was appointed or elected, as the case may be, for a term of four years; providing for an election on said proposed amendment, and making an appropriation for same."

The resolution was read second time and passed to engrossment.

Senate Bill No. 32.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 32, a bill to be entitled "An Act to amend Article 1020 of the Code of Criminal Procedure of the State of Texas for 1925 so as to provide that in cases where an examining trial is held charging the offense of murder, rape, burglary of a private residence, theft of property of the value of Fifty (\$50.00) Dollars or over, or robbery, and the defendant is thereafter indicted by the grand jury, the examining trial fees of the sheriff shall be the same as provided by Articles 1029 and 1030 of the Code of Criminal Procedure for executing process and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 32 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Cunningham.
Berkeley.	Gainer.
Cousins.	Greer.

Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.
Love.	Stevenson.
Martin.	Thomason.
McFarlane.	Williamson.
Miller.	Witt.
Moore.	Woodul.
Parrish.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 33.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 33, A bill to be entitled "An Act providing that when a person is convicted of a felony and the punishment assessed is only a fine or a jail sentence, or both, that the judgment may be satisfied in the same manner as a conviction for a misdemeanor is by law satisfied, and declaring an emergency."

The bill was read second time and passed to engrossment by the following vote:

Yeas—26.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
Gainer.	Love.
Greer.	Martin.

McFarlane.	Small.
Miller.	Stevenson.
Moore.	Thomason.
Parrish.	Williamson.
Patton.	Witt.
Pollard.	Woodul.
Russek.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 33 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 34.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 34, A bill to be entitled "An Act to amend Article 1557 of Chapter 17, Title 17 of the Penal Code of the State of Texas of 1925, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 34 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 35.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 35, A bill to be entitled "An Act to amend Article 534, Title 10, Chapter 7, of the Penal Code of the State of Texas, Revision of 1925, and declaring an emergency."

The committee report carrying an amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 35 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 36.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 36, A bill to be entitled "An Act to amend Article 1052, Title 15, Chapter 3, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, so as to provide fees for the courts in misdemeanor cases, and to relieve the courts of any interest in the result of the trial, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 36 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

S. C. R. No. 13.

Senator McFarlane sent up the following resolution:

Whereas, The Governor of the State of Texas, in his message to the Legislature this session has requested that the Senate and House, in joint session, permit the Board of Prison Directors to appear before us and make their report, and

Whereas, Said Prison Board has requested the opportunity of appearing before a joint session of the members of the House and Senate on Thursday, January 31,

Therefore, Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, that the Texas Prison Board be invited to address a joint session of the House and Senate at 2 p. m. on Thursday, January 31, and make their report and furnish us with any information requested concerning their operation of the Prison System.

Read and adopted.

Senate Bill No. 37.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 37, A bill to be entitled "An Act to amend Article 1074, Title 15, Chapter 4, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, so as to provide also a trial fee in justice courts in misdemeanor cases, and declaring an emergency."

The bill was read second time.

Senator Small sent up the following amendment:

Amend S. B. No. 37, line 16, by striking out the words "or in a justice court" and striking out the words in line 17 "or Justice of the Peace" and insert after the word "fee," line 21, the following "and in the justice court the trial fee shall be the sum of four dollars."

Read and adopted by the following vote:

Yeas—18.

Berkeley.	McFarlane.
Gainer.	Miller.
Greer.	Moore.
Hardin.	Parrish.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Witt.
Martin.	Woodward.

Nays—8.

Beck.	Pollard.
Cousins.	Russek.
Cunningham.	Williamson.
Patton.	Woodul.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill as amended passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 37 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Simple Resolution No. 47.

Senator Hornsby sent up the following resolution:

Resolved, That the Senate and House meet in joint session at 4 p. m. today.

HORNSBY,
WITT.

The resolution was read.

Senator Witt sent up the following substitute resolution:

Resolved, That the Senate adjourn at 4 o'clock p. m. today so that all members who desire may go to the House and hear Highway discussion.

WITT.

Read and adopted.

Recess.

On motion of Senator Holbrook, the Senate, at 12:10 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate was called to order at 2:00 o'clock p. m., pursuant to recess, by Lieutenant Governor Barry Miller.

Senate Bill No. 38.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 38, A bill to be entitled "An Act to repeal Articles 1066 and 1071, Title 15, Chapter 4, of the Code of Criminal Procedure of Texas, Revision of 1925, allowing fees to justices of the peace in misdemeanor cases, so that such justices will no longer have a pecuniary interest in the conviction of an accused person, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 38 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Hornsby.
Berkeley.	Hyer.
Cousins.	Love.
Cunningham.	Martin.
Gainer.	McFarlane.
Greer.	Miller.
Hardin.	Moore.
Holbrook.	Parrish.

Patton.	Thomason.
Pollard.	Williamson.
Russek.	Witt.
Small.	Woodul.
Stevenson.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 39.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 39, A bill to be entitled "An Act to amend Article 951, Title 12, Chapter 3, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, so as not to allow a justice of the peace any commissions on fines, thereby further relieving him of any interest in a misdemeanor case, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 39 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
Gainer.	Love.
Greer.	Martin.

McFarlane.	Small.
Miller.	Stevenson.
Moore.	Thomason.
Parrish.	Williamson.
Patton.	Witt.
Pollard.	Woodul.
Russek.	Woodward.

Abesent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 278.

Senator Love received unanimous consent to take up out of its regular order the following bill:

S. B. No. 278, A bill to be entitled "An Act providing for the creation of a county police force in all counties having 210,000 population or more according to the last United States census; whose duty it shall be to patrol that part of the county lying outside of the corporate limits of the county seat; to better provide for the enforcement of the law in said counties by providing for additional enforcement officers; prescribing the manner of appointment of the members of such county police force, their duties and compensations, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 278 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 143.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 143, A bill to be entitled "An Act to amend the laws relating to the county court at law No. 2 of Harris County, Texas; to amend Sections 2, 4 and 12 of Chapter 8 of the General Laws of the Thirty-fourth Legislature, passed at its First Called Session; to repeal Sections 3, 9, 10, 13 and 16, Chapter 8, of the General Laws of the Thirty-fourth Legislature, passed at its First Called Session: To provide for the exchange of benches; the transfer of cases, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 143 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 144.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 144, A bill to be entitled "An Act to amend the laws relating to the County Court at Law of Harris County; to amend Sections 3 and 5, Chapter 8, of the General Laws of the Thirty-third Legislature, passed at its Regular Session; to amend Sections 6 and 12, Chapter 4, of the General Laws of the Thirty-second

Legislature, passed at its Regular Session; to repeal Sections 4 and 6, Chapter 8, of said Acts of the Thirty-third Legislature; and to provide for the exchange of benches, the transfer of cases, and the appointment of a court reporter for the County Court at Law of Harris County, Texas; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 144 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

House Bill No. 44.

Senator Cunningham received unanimous consent to take up out

of its regular order the following bill:

By Metcalfe, Reid, Johnson of Scurry:

H. B. No. 44, A bill to be entitled "An Act to amend Subdivision 32 of Article 199 of Title 8 of the Revised Statutes of the State of Texas, 1925, to change and prescribe the time for holding district courts of the Thirty-second Judicial District of the State, composed of Nolan, Scurry, Mitchell, Howard and Borden counties, giving additional time to Howard county, and to conform all writs and process from such courts to such changes and to make all writs and process issued or served before this Act takes effect, including recognizances and bonds returnable to the term of the court in the several counties in said district as therein fixed and to validate the summoning of grand juries and petit juries and providing for the continuation of courts in session in said district when this Act takes effect, to the end of its term; provided, that no grand jury shall be drawn for the two weeks term of court to be held in Nolan County on the 24th Monday after the first Monday in January unless the judge of said court in his discretion shall order same, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 44 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 167.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 167, A bill to be entitled "An Act to amend Article 7117, Chapter 5, Title 122, of the Revised Civil Statutes of the State of Texas for 1925, by adding thereto two sections or paragraphs to be known as Articles 7117a and 7117b, respectively, providing that the tax imposed by said Chapter shall not apply to the personal property of non-residents of this State (except as to tangible personal property having an actual situs in this State) (a) in any case in which the decedent or transferor at the date of his death was a resident of any state or territory of the United States or of any foreign country or subdivision thereof which did not at the date of the death of such decedent impose a transfer tax or death tax of any character in respect of personal property of residents of this State (except tangible personal property having an actual situs in such state, territory or foreign country), or, (b) if the laws of the state, territory or country of residence of the transferor at the time of his death contained a reciprocal exemption provision under which non-residents thereof were exempted from transfer taxes of every character in respect of personal property (except tangible personal property having an actual situs therein), provided the state, territory or country of res-

idence of such non-resident thereof allowed a similar exemption to the residents of the state, territory or country of residence of such decedent or transferor; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

On motion of Senator Stevenson the bill was laid on the table subject to call.

Senate Bill No. 180.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 180, A bill to be entitled "An Act making it lawful to kill squirrels at any time in the Counties of Travis, Williamson, San Saba, Llano, Lampasas, and Burnet; and declaring an emergency."

The committee report carrying an amendment was adopted.

The bill was read second time.

Senator Stevenson sent up the following amendments:

Amend S. B. No. 180 by adding after the word "Burnet" in Line 13 of the printed bill, the word "Goliad."

Read and adopted.

Amend the caption of S. B. No. 180 by adding after the word "Burnet," the word "Goliad."

Read and adopted.

The bill as amended was passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 180 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 189.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 189, A bill to be entitled "An Act providing for the establishing, organization; management, direction and maintenance of a State Museum, as a part of the public school system, to be known as the Texas State Museum; constituting a locating board and a board of control for said museum; authorizing the creation of a museum staff and the acceptance of donations of money or collections of museum materials; the acquisition of archaeological, historical, and scientific sites within the State; constituting the State parks a department of the Museum; and declaring an emergency."

On motion of Senator Holbrook, the bill was laid on the table subject to call.

H. B. No. 162 Re-referred.

On motion of Senator Parrish, H. B. No. 162 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Agriculture.

Senate Bill No. 191.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 191, A bill to be entitled "An Act providing for the separation of all public free school affairs in cities or towns from the municipal

government therein; providing that all the power and authority over such schools shall be exercised by such cities or towns through their boards of education; providing for the election of trustees of the independent districts authorized herein; vesting the title to school property of such cities and towns in the independent district; authorizing the independent districts to assume outstanding bonds of cities and towns issued for school purposes; repealing all laws and parts of laws in conflict with the provisions of this Act, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 191 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 28, 1929.
Hon. Barry Miller, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 9, providing for an investigation of the State Highway Department and the Board of Control.

H. C. R. No. 10, providing for a joint session between the House and the Senate to be held in the hall of the House of Representatives to hear a report concerning a Highway program.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 200.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 200, A bill to be entitled "An Act amending Article 6692 of the Revised Civil Statutes of 1925 so as to fix the compensation of the county tax collector for his services in connection with the registration of motor vehicles and issuing licenses therefor; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 200 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Love.
Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Miller.
Gainer.	Moore.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.

Stevenson.	Witt.
Thomason.	Woodul.
Williamson.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Abesent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

H. C. R. No. 9.

The Chair laid before the Senate the following resolution:

H. C. R. No. 9, providing for the investigation of the State Highway Department and the Board of Control of the State of Texas, and the administration thereof by a joint committee of the Senate and House of Representatives of the State of Texas, etc.

Senator Cousins moved that the resolution be considered immediately. The motion prevailed by the following vote:

Yeas—16.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Gainer.	Parrish.
Greer.	Patton.
Hornsby.	Russek.
Hyer.	Small.
Love.	Thomason.

Nays—9.

Cunningham.	Stevenson.
Hardin.	Williamson.
Holbrook.	Witt.
Moore.	Woodward.
Pollard.	

Present—Not Voting.

Woodul.

Absent—Excused.

DeBerry.

Neal.

Parr.

Westbrook.

Wirtz.

The resolution was adopted.

H. C. R. No. 10.

The Chair laid before the Senate the following resolution:

H. C. R. No. 10, providing for a joint session of the House with the Senate this afternoon at 4:00 o'clock.

Senator Witt raised the point of order that the Senate had previously voted to adjourn at 4:00 o'clock.

The point of order was sustained.

Senate Bill No. 201.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 201, A bill to be entitled "An Act amending Article 7249 of the Revised Civil Statutes of 1925 relating to the bond of the county tax collectors; making better provision for such bonds, requiring the county to pay a reasonable amount as the premium of such bonds if same are executed by a surety company or companies; limiting the amount the county shall pay of such premiums to the amount actually paid by the collector; further regulating and limiting such bonds and premiums; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 201 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.

Berkeley.

Cousins.

Cunningham.

Gainer.

Greer.

Hardin.

Holbrook.

Hornsby.

Hyer.

Love.

Martin.

McFarlane.

Miller.

Moore.

Parrish.

Patton.

Pollard.

Russek.

Small.

Stevenson.

Thomason.

Williamson.

Witt.

Woodul.

Woodward.

Absent—Excused.

DeBerry.

Neal.

Parr.

Westbrook.

Wirtz.

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.

Berkeley.

Cousins.

Cunningham.

Gainer.

Greer.

Hardin.

Holbrook.

Hornsby.

Hyer.

Love.

Martin.

McFarlane.

Miller.

Moore.

Parrish.

Patton.

Pollard.

Russek.

Small.

Stevenson.

Thomason.

Williamson.

Witt.

Woodul.

Woodward.

Absent—Excused.

DeBerry.

Neal.

Parr.

Westbrook.

Wirtz.

Senate Bill No. 202.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 202, A bill to be entitled "An Act amending Article 6205 as printed in the Revised Civil Statutes of 1925; the same being Article 6267 of the Revised Civil Statutes of 1911 as amended by Chapter 69 of the General Laws of the Regular Session of the Thirty-ninth Legislature, and amending Article 6214 of the Revised Civil Statutes of 1925, so as to better provide for confederate and other pensions as provided for in the recent constitutional amendment; and declaring an emergency."

On motion of Senator Witt, the bill was laid on the table subject to call.

Senate Bill No. 207.

The Chair laid before the Senate, on its second reading the following bill:

S. B. No. 207, A bill to be entitled "An Act to amend Article 2892, Revised Statutes, 1925, fixing the age and extending the term for compulsory school attendance; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 207 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

S. B. No. 211.

The Chair laid before the Senate, on its second reading the following bill:

S. B. No. 211, A bill to be entitled "An Act to amend Articles 2745, 2747, Revised Statutes 1925, pertaining to the term of office of trustees in common school districts providing for filling vacancies in said office; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 211 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

DeBerry.	Westbrook.
Neal.	Wirtz.
Parr.	

Senate Bill No. 213.

The Chair laid before the Senate, on its second reading the following bill:

S. B. No. 213, A bill to be entitled "An Act authorizing the Governor to appoint a commission of three citizens of the State of Texas, to acquire, by purchase, condemnation or otherwise, all remaining property now pri-

vately owned in the block bounded by Alamo Plaza, Nacogdoches and East Houston Streets, in the City of San Antonio, surrounding the historic Alamo, for the State of Texas; prescribing the duties of such commission, and describing the land to be purchased; authorizing condemnation proceedings; making appropriation for the acquisition thereof and the expense in connection therewith; directing how and when the same shall be paid for; and declaring an emergency."

The bill was read second time.

Senator Williamson sent up the following amendments:

Amendment No. 1.

Amend S. B. No. 213, by adding after the comma in Line 23, Page 1, the word Crockett.

The amendment was read and adopted.

Amendment No. 2.

Amend S. B. No. 213, Page 2, by adding the word Crockett after the comma in Line 6.

The amendment was read and adopted.

Amendment No. 3.

Amend the caption of S. B. No. 213 by adding the word Crockett after the comma in Line 10.

The amendment was read and adopted.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 6.

H. C. R. No. 8.

Adjournment.

At 4:00 o'clock p. m., the Senate adjourned until 10:00 o'clock Tuesday morning.

APPENDIX.

Petitions and Memorials.

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Dear Sir:

On May 26, 1927, the Fortieth Legislature passed Simple Resolu-

tion No. 25, by Senator Wood, instructing the State Highway Department and the State Board of Control to make an estimate as to the approximate cost of a cement plant, and to determine as nearly as possible the actual cost to manufacture cement, and whether or not it was deemed feasible to construct this plant; a possible location, and the probable saving to the State, etc.

In keeping with the provisions of the above Resolution, the Board of Control has made as thorough investigation of the matter as it could, and we beg leave to report as follows:

The approximate cost of various sizes of wet process Portland cement plants is as follows:

500 barrel daily capacity, \$450,000 to \$500,000.

1,000 barrel daily capacity, \$800,000 to \$850,000.

2,000 barrel daily capacity, \$1,400,000 to \$1,500,000.

3,000 barrel daily capacity, \$2,100,000.00 to \$2,200,000.00.

The figures given above are, of course, very approximate and subject to variation under the following circumstances:

Location of plant; nature of raw materials; available power; fuel to be used; trackage from main line railroad. We believe that the above cost figures should cover all costs for the necessary machinery and buildings for a plant of this type.

Among many suitable locations are those near the following places:

Bridgeport, Roby, Weatherford, Jacksboro, Jaytown, Marfa, Clarksville, San Antonio, Fort Worth, Atlas, and La Grange.

We are of the opinion that the State could manufacture cement at a cost of approximately \$1.50 per barrel, which is a considerable saving over what the State is now paying for cement. In the past few days, the State has purchased cement at \$2.16 per barrel net, f. o. b. Terrell, Texas. The Purchasing Division of the Board secured a price today in carload shipments at \$2.17 per barrel, net, f. o. b. Fort Worth, with a discount of 10c per barrel if invoice was paid within fifteen days. Foreign cement could be purchased by the State for approximately 25c per barrel less if ordered in large quantities. The foreign cement, how-

ever, is unsatisfactory in many ways to the Highway Department, we understand. Our information is that it requires about 3,000 barrels of cement per mile for concrete roads, and that the Highway Department contracted for approximately 450 miles of concrete road in 1928, which indicates that the Highway Department alone used about one and a half million barrels.

With natural gas distributed over Texas, and an abundant supply of lignite and oil as fuel, this state is unusually well situated for the manufacture of cement.

The Board of Control is of the opinion that the State should construct three plants, to be located in the different portions of the State that would enable the State to take advantage of freight rates in the distribution of cement in the territory adjacent to the plant, and these plants would also afford an opportunity for the State to utilize convict labor in the manufacture of cement.

For the convenience of the Senate, we hand you herewith our files, containing data we have gathered on this most important subject.

Yours very truly,

STATE BOARD OF CONTROL,

By R. B. WALTHALL, Chairman.

R. I. TENANT, CLAUDE D. TEER,
Members.

Read and referred to Committee on Penitentiaries.

San Antonio, Texas, Jan. 25, 1929.
Hon W. A. Williamson, Senator,
Austin, Texas.

Dear Mr. Williamson:

This is to advise you that the State Association of Texas Pioneers is heartily in favor of your bill to purchase the property surrounding the Alamo and have the State hold it in perpetuity as a memorial park.

The State Association of Texas Pioneers is an organization of eighteen hundred members comprised of pioneer settlers of Texas, or their descendants. The purpose of the society is the preservation of historic places and the exploitation of Texas history. At the last annual meeting which was held in San Antonio on April 16, 1928, the following resolution was passed:

"Therefore, Be It Resolved by the State Association of Texas Pioneers that we deem it the patriotic duty of

the people of Texas to acquire, restore and preserve for future generations the grounds and buildings which mark the spots where zealous missionaries labored to Christianize the savage Indian and where patriotic heroes unselfishly gave their lives in defense of the fundamental principles of free government; and to the achievement of these ends we appeal to the present State Administration to formulate plans to acquire and restore the old Franciscan Missions in Texas, many of which are falling to decay, and to acquire all the privately owned property in the block surrounding the Alamo, so that this sacred ground shall be forever removed from the possibility of commercial use and be maintained as a memorial of those who there laid down their lives that Texas might be free.

Be It Further Resolved by this Association that we commend Governor Moody for his appointment of the commission to investigate and report upon the purchase of the privately owned property surrounding the Alamo and heartily endorse the report made by said commissioners, and we petition the Governor and the next Legislature of Texas to take the necessary steps and make proper appropriation to carry into effect the recommendation of said commission that the State purchase the balance of privately owned property in the Alamo Block."

I will thank you to have the above resolution filed with the memorials in favor of your bill, and if there is any further assistance our Association may render you, please be kind enough to advise me.

FRANK H. BUSHICK,
President.

Mathis, Texas, Jan. 24, 1929.
Chairman of the Committee on Elections,
Austin, Texas.

Dear Sir:

About ninety per cent of the voters of Mathis Precinct are Democrats and have generally "voted the ticket straight". In the recent November election 182 votes were cast for Hoover and 40 for Smith. About 100 not voting. Other Democratic nominees received around 200 votes. We believe that for the good of the Democratic Party, and in the interest of good government in Texas, that

Senate Bill No. 14, known as "Love's Freedom of Conscience Bill," should be enacted into law.

Respectfully,
(Numerously signed.)

Protest of the property owners of Broadmoor and the Highlands additions to the City of Dallas, Texas, in re House Bill No. 61.

Read and referred to Committee on Mining, Irrigation and Drainage.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Jan. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 11 carefully examined and compared, and find the same correctly enrolled, and have this day, at 11:15 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 12 carefully examined and compared, and find the same correctly enrolled, and have this day, at 11:15 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 60 carefully examined and compared, and find the same correctly enrolled, and have this day, at 11:15 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Jan. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 113 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 130 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 262 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 216 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred House Concurrent Resolution No. 2, beg to say that we have had same under consideration, and find that the subject matter of same is of interstate interest and, therefore, request that the resolution be referred to the Committee on Federal Relations.

POLLARD, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 94, a bill to be entitled "An Act to appropriate the sum of "Two Hundred Thousand (\$200,000) Dollars, or so much thereof as may be necessary to purchase the tract of land consisting of 26 acres more or less in Travis County, Texas, adjoining the present campus of the University of Texas, known as the Cava-

naugh property, and being remainder of the designated campus of the University of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate that same do pass, and be printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 190, a bill to be entitled "An Act making an emergency appropriation out of the Sand, Shell and Gravel Fund of this State to pay certain refunds of the tax collected by the Game, Fish and Oyster Commissioner on sand, shell and gravel used by counties and cities or towns for constructing roads, streets, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate that same do pass, and be printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 208, a bill to be entitled "An Act to provide for the vocational rehabilitation and placement of physically disabled persons; to make an appropriation of \$10,000.00 for the year 1929-1930 and \$15,000.00 for the year 1930-1931 to make the law effective, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate that same do pass, and be printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 61, A bill to be entitled "An Act to create Dallas County Fresh Water Supply District No. 9 in Dallas County, etc., and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 62, A bill to be entitled "An Act creating Dallas County Beverly Hills Fresh Water Supply District No. 2, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 314, A bill to be entitled "An Act to provide for the location, establishment and maintenance of an institution for the treatment of persons suffering from Cancer or Pellagra and to provide for the care and treatment of indigent persons suffering from Cancer or Pellagra; and defining the conditions of admission thereto; and provide for the scientific study of Cancer and Pellagra; and creating a commission to establish and control said institution, and defining the duties of certain officers in respect to said institution; and make appropriation therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that same do pass.

BECK, Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health to whom was referred

S. B. No. 49, A bill to be entitled "An Act to create the State Board of Pharmacy, providing for its appointment, terms and tenure of office and its members, defining its du-

ties and powers; and to regulate the practice of pharmacy, and providing for the licensing of pharmacists and regulating the distribution, compounding and sale of medicines, drugs, chemicals and poisons in the State of Texas, defining the terms pharmacist, pharmacy, drug store, and Board; providing penalties, and repealing all existing laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the accompanying Committee Substitute bill as amended do pass in lieu of the original bill.

With Amendment to Committee Substitute; By adding to section 16, the following: The provision of this section shall not apply to towns or villages of a population of five hundred (500) inhabitants or less.

BECK, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 13 "Proposing an amendment to the Constitution of the State of Texas providing for a Supreme Court of Nine Members, and for continuous session of that Court."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass; but that the attached Committee Substitute do pass.

HORNSBY, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 5,

Proposing an amendment to Section 13, Article 5 of the Constitution of the State of Texas, to provide for the constitution of grand and petit juries in the District Court and the number of men required to constitute the same in both Civil and Criminal cases, and providing that in civil cases, such juries shall num-

ber only six men and that verdicts may be returned by less than the full number of jurors, provided at least four jurors concur in the verdict and providing that when one or more jurors, not exceeding two in Civil cases, die or are disabled pending the trial of the case, the remainder of the jurors shall have the power to render the verdict."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be indefinitely postponed by unanimous vote of the Committee.

HORNSBY, Chairman.

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 193, A bill to be entitled "An Act to amend Art. 776 of the Code of Criminal Procedure, 1925, so that it shall not be mandatory upon the trial judge to appoint counsel to represent the defendant, when he has no counsel of his own selection, except in capital cases, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 300, A bill to be entitled "An Act declaring it to be an offense for any convict, sentenced to the penitentiary, to escape; fixing the penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 220, A bill to be entitled "An Act providing for the regulation of Local Mutual Aid Associations paying a death benefit operating an insurance business and paying benefits, where funds are provided by assessments on members. Defining the law and manner under which such associations may operate. Prescribing providing for and requiring among other things: the territorial limits of such associations and prohibiting the connection of any two associations of the same character; the number of persons who may organize such associations, and the requirements of the articles of association in the formation of such associations; a bond as a prerequisite to the organization of such associations and the amount and condition of said bond—and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass, with committee amendments and be printed.

MOORE, Chairman.

Committee Amendment No. 1 to S. B. 220.

Section 3. Territorial Limitation of Association. No local mutual aid association, shall be permitted to operate in this State except it confine its operations in the writing of business to one county, or to a territory embraced within a radius of fifty (50) miles of the city or town of the association or to all the counties adjoining that in which the home office is situated or where the home office of an Association is located within less than 50 miles of border line of the state to a limited number of connecting counties whose total area does not exceed that allowed under the law to any other local mutual aid association of Texas.

Committee Amendment No. 2 to S. B. 220.

Amend Senate Bill No. 220 by adding the following after the last line in Section 21 and just following the word "Association." "And which cost shall be based on a fee not exceeding \$25.00 per day for time required in making examination and audit."

Committee Amendment No. 3 to S. B. No. 220.

Amend Senate Bill No. 220 by interlining after the figures "1925" and before the word "shall" in next to the last line of Section 30, the following: "and Chapter 3 of Title 78, Revised Statutes of 1925."

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 48, A bill to be entitled "An Act to amend Article 1379 of the Penal Code of the State of Texas, so as to increase the penalty from a fine of not less than ten nor more than five hundred dollars, to confinement in the penitentiary for not less than one nor more than five years, and to define "owner" as therein used, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass and that Committee substitute herein be passed in lieu thereof.

MILLER, Chairman.

Committee Room,
Austin, Texas, Jan. 26, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No 4.4, A bill to be entitled "An Act to amend Article 1379 of the Penal Code of the State of Texas, so as to increase the penalty from a fine of not less than ten nor more than five hundred dollars, to confinement in the penitentiary for not less than one nor more than five years, and to define "owner" as therein used, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MILLER, Chairman.

Majority Report.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on

Criminal Jurisprudence, to whom was referred

S. B. No. 88, A bill to be entitled "An Act to amend Article 941 of the 1925 Penal Code of the State of Texas so as to make it unlawful for any person to place, set, use or drag any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, trot line, set line, or cast net or minnow seine not more than twenty feet in length for catching bait within the coastal or tidal salt waters of Texas, except the Gulf of Mexico beyond one mile of any pass leading from the Gulf of Mexico to any bay, lake, lagoon, bayou or other body of such water; providing for use of spear, gig or light for taking flounders in such waters, except during the months of November and December of each year; providing for confiscation of nets, seines and other tackle for evidence; and providing for penalties and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments.

MILLER, Chairman.

Amendment No. 1.

Amend Caption of the Bill by adding after the "line" in line 6 of the Caption, the following: "Casting rod, rod and reel, artificial bait."

Amendment No. 2.

Amend S. B. No. 88 by adding after the word "line" in line 6 of the body of the bill, the following: "Casting rod, rod and reel, artificial bait."

Amendment No. 3.

Amend Caption of the Bill after the word "bait" in line 8 of the caption, the following: "Or have in his possession any seine, net, or trawl, without a permit issued by the Game, Fish and Oyster Commissioner, or his authorized deputy."

Amendment No. 4.

Amend Senate Bill 88 by adding after the word "bait" in line 7 of the body of the bill, the following: "Or have in his possession any seine net, or trawl, without a permit issued by the Game, Fish and Oyster

Commissioner, or his authorized deputy."

Amendment No. 5.

Amend the Caption of the Bill by adding after the word "water" in line 13 of the Caption the following: "Or within the waters of any stream, canal or river that empties into any of the bays, lakes, or any other tidal waters of this State, from the mouths of such streams to and including a distance of thirty miles up such streams."

Amendment No. 6.

Amend Senate Bill No. 88 by substituting a "Comma" for the "Period" after the word "waters" in line 20 of the body of the bill, and adding the following: "Or within the waters of any stream, canal or rivers that empties into any of the bays, lakes or any other tidal waters of this State, from the mouths of such streams to and including a distance of thirty miles up such streams."

Minority Report.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 88, A bill to be entitled "An Act to amend Article 941 of the 1925 Penal Code of the State of Texas so as to make it unlawful for any person to place, set, use or drag any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, trot line, set line, or cast net or minnow seine not more than twenty feet in length for catching bait within the coastal or tidal salt waters of Texas, except the Gulf of Mexico beyond one mile of any pass leading from the Gulf of Mexico to any bay, lake, lagoon, bayou or other body of such water; providing for use of spear, gig or light for taking flounders in such waters, except during the months of November and December of each year; providing for confiscation of nets, seines and other tackle for evidence, and providing for penalties and declaring an emergency."

Have had same under consideration and beg to differ with the ma-

majority of your Committee and report it back to the Senate with the recommendation that it do not pass.

PARR,
HYER.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, January 29, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Parr.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Neal and Thomason:

S. B. No. 355, A bill to be entitled "An Act amending Section 25 of Chapter 122, of the General Laws of the Regular Session of the Thirty-ninth Legislature, relating to tick eradication among live stock, so as to include Cherokee, Rusk, Panola and Nacogdoches Counties in that territory in which systematic tick eradication work is carried on and

provided for, the purpose of this Act being to add said counties to that territory described in said Act as being west of the Brazos River and north and west of a line described in the Act as running from the northwest corner of Robertson County to the southeast corner of Harrison County as set out in detail in Section 25 of said Act as it now exists; and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Small:

S. B. No. 356, A bill to be entitled "An Act providing for the continuance of the trial of any civil or criminal action or matter in probate, pending in any court of this State while the Legislature is in session, where it appears by affidavit that a party to such cause is a member of the Legislature and is in attendance thereon, or where it appears that an attorney for any party to such an action is a member of the Legislature, and is in attendance on a session of the Legislature, and that a fair and proper trial cannot be had in absence of such party or attorney, and providing that where such showing is made by affidavit in any cause same shall be continued until ten days after the adjournment of the Legislature, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Miller and Wirtz:

S. B. No. 357, A bill to be entitled "An Act amending H. B. No. 50, Chapter 270 of the General and Special Laws passed by the Fortieth Legislature of the State of Texas at its regular session so as to repeal Sections 3, 5, 6, 7, 8, 9, 10, and 11 of said Act and adding a new section to be known as Section 5 to provide that any person, firm or corporation, or association or persons, shall have the right to use any of the public roads or highways of this State for the purpose of operating motor busses for hire who shall comply with all remaining provisions of said Act and the regulations of the Railroad Commission lawfully enacted under such remaining provisions thereof; and declaring an emergency."

Read first time and referred to